

### REMARKS

Reconsideration and allowance of this application are respectfully requested in view of the foregoing amendments and the following remarks.

#### Claim Status

Claims 1-2 and 5-9 are pending in this application. Claims 3-4 and 10-12 have been canceled. Claim 7 was previously amended, and claims 1, 5, and 6 are currently amended. No new matter is added.

#### Rejections Under 35 U.S.C. § 102

Claims 1, 2, 5 and 8 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kato (US 5,077,803). Applicant respectfully traverses these amendments based on the foregoing amendments of independent claims 1 and 5, and the following remarks.

In order to anticipate a claim under 35 U.S.C. § 102, "the reference must teach every element of the claim." See MPEP § 2131. We respectfully submit that Kato does not teach every element recited in the currently amended Claims 1 and 5 of the present application so that Kato cannot anticipate these claims.

The light receiving unit recited in the currently amended Claims 1 and 5 comprises a reflecting mirror for **directly** reflecting the light reflected by the object at the cover glass. For support, see Figures 6, 9, 10, 13, 16 and 17. That is, the reflected light by the object **directly** goes to the reflecting mirror.

As shown in Figures 6, 9, 10, 13, 16 and 17 of the present application, the reflecting mirror 414 of the present invention **directly** reflects the reflected light by the object H1.

In contrast, as shown in Figure 4B of Kato, the reflected light by the finger 10 first goes to the lower surface of the light guiding board 20 and secondly goes to the diagonal cut face 24. That is, the reflected light by the finger is **indirectly** reflected at the diagonal cut face 24. Therefore, Kato fails to teach or suggest the reflecting mirror **directly** reflecting the reflected light by the object.

Furthermore, the device disclosed in Kato is directed towards a "Biological Detecting System and Fingerprint Collating System Employing Same." See Title and Abstract. A biological Detecting System and Fingerprint Collating System is not "an optical pointing device capable of being installed in a slim personal portable device", as recited by Claim 1 and

5 of the instant invention. This difference is exemplified by examination of the two different optical sensors disclosed in Kato and the instant invention. The Optical Sensor 12 shown in Figures 4a and 4b of Kato is "employed as a **fingerprint image** detecting element for generating an electric signal indicating the **image** of a fingerprint." See Column 7, Lines 9-12. However, the optical sensor 418 disclosed in the instant invention "provides the pick up information to an image processing unit (not shown) for detecting the **movement**. The image processing unit detects the **direction, speed, and distance of the movement** of the surface of the finger." See Page 7, Lines 16-21. Kato does not mention anything about the movement of the finger, like, direction, speed, and distance. Thus, Kato clearly does not disclose an optical pointing device capable of being installed in a slim personal portable device, with an optical sensor for detecting movement, as claimed in independent claims 1 and 5.

Accordingly, we respectfully submit that Kato does not teach every element recited in the currently amended Claims 1 and 5 of the present application.

Claims 2 and 8 depend from allowable claims 1 and 5. Thus, claims 2 and 8 should also be allowable.

Rejections Under 35 U.S.C. § 103

Claims 6, 7, 9 and 12 are rejected under 35 U.S.C. § 103(a) as being obvious over Baharav (US 7,274,808) in view of Yee (US 5,822,073). Applicants respectfully traverse this rejection based on the foregoing amendments of independent claim 6 and the following remarks.

In order to establish a *prima facie* case of obviousness under 35 U.S.C. § 103, all the claim limitations must be taught or suggested by the prior art. See MPEP § 2143.03. However, the combination of Baharav and Yee does not teach or suggest all the features recited in the currently amended Claim 6.

The light receiving unit recited in the currently amended Claim 6 comprises a waveguide that functions as a condensing lens. That is, the waveguide of the present invention can condense light so that the waveguide functions as a condensing lens. For support, see Page 7, Lines 6-8; Page 9, Lines 21-25; Page 11, Lines 18-20; and Page 12, Line 26 through Page 13, Line 21. In other words, the waveguide of the present invention is integrally formed with a condensing lens.

As the Examiner has admitted, Baharav does not disclose the waveguide of the instant invention.

The Examiner points to lightpipe 20 of Yee for a teaching of the waveguide of the instant invention. However, the planar lightpipe 20 of Yee does not function as a condensing lens. As shown in FIG. 7 of Yee, numerical references 34 and 35 indicate lenses, which are outside of lightpipe 20. Thus, the planar lightpipe 20 of Yee does not include a lens. That is, the planar lightpipe 20 of Yee is separately formed from lenses 34 and 35. Therefore, the lightpipe 20 of Yee does not teach or suggest the waveguide of the instant invention, as it does not "**function as a condensing lense**".

Accordingly, we respectfully submit that Yee fails to teach or suggest a waveguide condensing the light and **functioning as a condensing lens** recited in the currently amended Claim 6 of the present application.

Accordingly, the currently amended Claim 6 of the present application is patentable over Baharav in view of Yee. Thus, Claim 6 should be allowed.

Claim 12 has been canceled. Thus, the 103 rejection of claim 12 is moot.

Conclusion

An early Notice of Allowance is respectfully requested in view of the foregoing amendments and remarks.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jeffrey C. Watson". The signature is fluid and cursive, with the first name "Jeffrey" being more prominent.

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